

United States Senate

WASHINGTON, DC 20510-4802

January 13, 2011

The Honorable Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Ave., Nw
Washington, D.C. 20500-0005

Dear Mr. President,

I am writing to express my outrage with the Environmental Protection Agency's (EPA) decision to veto a rigorously reviewed and lawfully issued permit at the Spruce Number 1 Mine in Logan County, West Virginia. This action not only affects this specific permit, but needlessly throws other permits into a sea of uncertainty at a time of great economic distress.

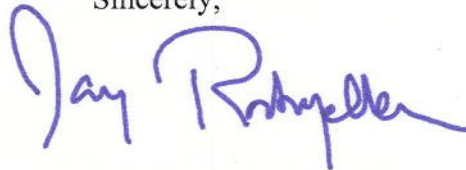
It is further upsetting that the EPA is seeking to veto a permit that has already been so thoroughly reviewed. The U.S. Army Corps of Engineers reviewed this permit for nearly a decade before it was approved in 2007. A complete Environmental Impact Statement (EIS) was conducted and the EPA fully engaged in commenting and revising the permit application during the review process. In order to satisfy the environmental concerns raised by the EPA at the time, the permit was substantially scaled back. As approved, the final permit reduced the acreage of the permit by 835 acres or 27 percent and excess spoil by 150 million cubic yards, a decrease of 57 percent. These dramatic reductions in environmental impact were noted specifically by the EPA before the final permit was issued. Now the EPA, seeking a second bite at the apple, has revoked a lawfully issued permit.

When companies conduct business in the United States, they must be able to trust that commitments made to them by the government will be honored, not retracted. Today's action not only threatens an operation that could have employed hundreds of West Virginians, but it shakes West Virginians' trust in government – leaving the impression that no matter what actions coal companies in West Virginia take to reduce, minimize and mitigate environmental impacts of mining operations, it may never be enough for the EPA. The matter will now certainly move to the courts. A long and protracted additional legal process should not be required to achieve a fair result here, but the legal case is a strong one and I believe may very well ultimately overturn the EPA's action.

Let there be no doubt that surface mining operations can and must be done in an environmentally sensitive manner with ever-improving technology. However, as a nation we must not fall into the trap of forcing unnecessary choices between protecting the environment and having good paying jobs that support energy independence. We must demand both and find a responsible balance. Today's decision does not strike that balance - it seeks to tip the scales.

I urge the EPA to immediately reconsider its approach to coal mining permits in Central Appalachia and instead find constructive ways to reduce environmental impacts while allowing mining operations that spur job creation to go forward.

Sincerely,

A handwritten signature in blue ink, reading "Jay Rockefeller". The signature is fluid and cursive, with the first name "Jay" and the last name "Rockefeller" clearly distinguishable.

John D. Rockefeller IV

CC: The Honorable Lisa Jackson
EPA Administrator